

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

KARL BISSINGER, INC., and	)	
KENNETH C. KELLERHALS, II,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	Case No. 4:05CV579-DJS
	)	
MAYNARD KOLBRENER, II,	)	
LF CHOC, LLC, MARLEY F. OTTO,	)	
DEBRA L. OTTO, and BRYAN CLIC,	)	
	)	
Defendants.	)	

**PARTIAL JUDGMENT**

Pursuant to the order entered herein this day,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that plaintiffs' Count III (defamation) is dismissed for failure to state a claim under Rule 12(b)(6) to the extent that it is based on the allegedly defamatory statements in paragraphs 16 (excluding the fourth sentence), 17, 18, 19, 29(c), and 32(d)-(i) of the complaint.

**IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Count VIII of plaintiff's complaint is dismissed for failure to state a claim upon which relief can be granted.

Dated this 28<sup>th</sup> day of September, 2005.

/s/Donald J. Stohr  
UNITED STATES DISTRICT JUDGE